



San Diego County
Local Agency Formation Commission
 Regional Service Planning | Subdivision of the State of California

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AGENDA REPORT
 Business | Discussion

February 3, 2025

TO: Commissioners

FROM: Keene Simonds, Executive Officer
 Priscilla Mumpower, Assistant Executive Officer

SUBJECT: Proposed Policy on Public Member Appointments

SUMMARY

The San Diego Local Agency Formation Commission (LAFCO) will consider approving a policy to establish rules and procedures for making regular and alternate public member appointments. This item ties to the adopted workplan and returns to the Commission with revisions following its presentation in draft-form in December 2024 and staff initiating a public review and comment period – including separate presentations to the Cities and Special Districts Advisory Committees. The proposed policy with revisions builds on recent practice with the goal of creating a clear and known process for public member appointments. Notable revisions made to the proposed policy following its draft presentation include broadening and clarifying eligibility for candidates and adding a provision allowing the Commission to draw from a pool of candidates from a prior recruitment under certain conditions. A recommendation by the Cities Advisory Committee to establish term limits for public member appointments is also being forwarded for Commission consideration.

BACKGROUND

Membership Composition + Terms

San Diego LAFCO’s membership is prescribed under State law to include 13 appointed Commissioners. Commissioners are divided between five distinct categories – County of San

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Diego, cities less City of San Diego, City of San Diego, special districts, and the general public – and further distinguished between regular and alternate members. Only appointees from the public member category (regular and alternate) are made by LAFCO; appointments for the other four categories are externally determined under statute. All terms are four-years and commence on the first Monday in May in the affected year. There are no term limits involving LAFCO appointments in statute or under local policy.

Annual Workplan & Direction to Prepare Policy on Public Member Appointments

LAFCO’s current annual workplan was adopted at a noticed public hearing in May 2024 and includes 30 special priority projects. This includes scheduling a policy project to establish protocols with respect to rules and procedures involving public member appointments.

Initial Draft Policy on Public Member Appointments and Public Comment Period + Committee Presentations

LAFCO staff prepared an initial draft policy on public member appointments for Commission discussion in December 2024. The draft formalized recent practice applied in conducting the appointment of the alternate public member in August 2024 and related Commission feedback. Following the draft presentation, staff incorporated comments from the Commission — specifically removing restrictions on eligibility for individuals who make land-use decisions — and initiated a published public review and comment period.¹ Staff also made presentations to both the Special Districts and Cities Advisory Committees. Key feedback from these committees included a request from the Special Districts for clarifying language on eligibility for advisory planning group appointees and a recommendation from the Cities to include term limits at the Commission's discretion. No other public comments were received by the close of the public comment period.

DISCUSSION

This item is for San Diego LAFCO to consider approving a proposed policy establishing Commission protocols with respect to rules and procedures involving public member appointments. The proposed policy remains largely unchanged from its initial presentation and organized to address all of the following discretionary features:

- Goals and Objectives
- Candidate Eligibility
- Appointment Terms
- Full Term Appointment Procedures
- Mid Term Appointment Procedures

¹ The public review and comment period was initiated and noticed in the San Diego Union Tribune on December 16, 2024, and a deadline of January 10, 2025.

With respect to revisions, three substantive changes are incorporated into the proposed policy before the Commission and summarized below.

- **Expanding Appointment Eligibility:**
 - In response to Commission feedback, the proposed policy has been revised to allow individuals appointed to local government commissions and committees to remain eligible irrespective of whether they make land use decisions.
 - Based on feedback from the Special Districts Advisory Committee, the proposed policy has been revised to further clarify individuals serving on advisory planning groups are eligible candidates.
- **Added Option for Appointments:**
 - An additional option for full-term and mid-term appointment has been added to allow the Commission to draw from a pool of candidates from a previous recruitment under certain conditions. This option would become available should a prior recruitment have been completed within the prior six (6) months and serve as an alternative to initiating a new recruitment process.

Another substantive consideration – although not added to the proposed policy – has been recommended by the Cities Advisory Committee and merits Commission consideration. This involves establishing term limits for both regular and alternate public members. In forwarding this recommendation, the members articulated the benefits of term limits in promoting regional representation and lived experiences. Staff agrees with these value statements while also recognizing the benefit of maximizing appointment options when contributing and effective public members are on the Commission and interested in continuing their service. Staff defers to the Commission to balance these benefits.

The complete proposed policy with track-change edits, to show revisions since the draft presentation in December, is provided as Attachment One.

ANALYSIS

The proposed policy before San Diego LAFCO focuses on formalizing and improving existing practices for public member appointments, with an overall aim to enhance process predictability while maintaining the Commission’s discretion. The policy returns to the Commission relatively intact however with the above-noted additions and premised on several elective decision points beginning with the Commission determining whether to proceed with expedited reappointments versus initiating open recruitments. Staff defers to Commissioners to consider other revisions consistent with its collective preferences – including whether to add term limits as recommended by the Cities Advisory Committee.

RECOMMENDATION

It is recommended San Diego LAFCO approve the proposed policy on public member appointments with any additional revisions as identified. This recommendation is consistent with Alternative One outlined in the proceeding section.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO:

Alternative One (recommended):

Approve the proposed policy on public member appointments as provided in Attachment One with any desired changes and set an immediate effective date. Also authorize the Executive Officer to make any technical and non-substantive edits.

Alternative Two:

Continue consideration of the item to a future meeting and provide direction to staff for additional information as needed.

Alternative Three:

Take no action.

PROCEDURES

This item has been placed on San Diego LAFCO's agenda for action as part of the business calendar. The following procedures are recommended in the consideration of this item:

- 1) Receive verbal presentation from staff unless waived.
- 2) Invite comments from interested audience members.
- 3) Discuss and provide feedback, as requested.

On behalf of the Executive Officer,



Priscilla Mumpower
Assistant Executive Officer

Attachment:

- 1) Proposed Policy on Making Public Member Appointments (Track-Changes)

Draft Policy
as of January 24, 2025

Subject:

PUBLIC MEMBERS APPOINTMENTS

Purpose:

Provide rules and procedures to guide the appointment of public members to the Commission in an inclusive, clear, and fair process.

Background:

State law specifies the composition of the Commission shall include one member representing the general public with the option to also designate an alternate (Government Code Section 56325).

Policy:

It is the policy of the Commission:

A. Goals and Priorities:

- 1) The Commission shall appoint both regular and alternate public members.
- 2) The Commission shall prioritize experience in local government and/or community advocacy in considering public member appointments.
- 3) The Commission shall consider geographic and other lived diversities in appointing public members to help advance balanced decision-making.
- 4) The Commission tasks the Executive Officer to exercise their best judgement in ensuring robust and inclusive outreach is performed anytime an open recruitment is conducted under this policy.

B. Appointment Eligibility:

- 1) As required under State law, public member appointees shall be residents of San Diego County. Appointees shall not be current officers or employees of the County of San Diego or local cities and special districts.
- 2) Elected officials serving on any of the County of San Diego advisory planning groups retain appointment eligibility to concurrently serve as public members on LAFCO.

- 3) Appointees may concurrently hold other appointed positions with the County of San Diego or local cities and special districts ~~so long as their duties do not involve making land use decisions~~ (e.g., art commissions, measure oversight committees, advisory planning groups).

C. Appointment Terms:

- 1) All public member terms are four years and begin on the first Monday of May in the year appointed. ~~Any mid-term vacancies shall be filled with appointees assuming the unexpired terms.~~
- 2) There are no term limits for public members.

D. Full Term Appointments

- 1) No less than 90 days in advance, the Executive Officer shall provide notice to the Commission on the agenda advising of any pending term expirations involving the public member positions - regular or alternate.
- 2) At the time of receiving notice of a pending term expiration involving a public member position, the Commission shall provide direction to LAFCO staff to proceed either with an open recruitment, ~~or an expedited reappointment, or~~ when applicable, conduct a limited recruitment wherein the Commission draws from a pool of candidates from a prior recruitment, provided it has been completed within the past six (6) months to expedite the filling of the vacancy.
- 3) The following appointment procedures are specific to Commission direction to proceed with an open recruitment process.
 - a) LAFCO staff shall perform outreach on the open recruitment and prepare an advertisement for local publication (print and media) and posting inviting eligible applicants to submit a letter of interest.
 - b) The application period shall extend to no less than 30 days and may be extended as needed until two or more letters of interests are submitted by eligible applicants.
 - c) All submitted letters of interests received by the close of the application period shall be immediately transmitted to the full Commission.
 - d) The Executive Committee (Chair, Vice Chair, and Immediate Past Chair) will screen all applicants, select applicants to interview, and conduct interviews of selected applicants at a noticed special meeting.

- e) The Executive Committee will nominate two or more applicants for consideration by the full Commission at a future meeting for which LAFCO staff can provide legally required notice. The list of the nominations from the Executive Committee shall be provided to all Commissioners no less than 10 days prior to the noticed meeting.
 - f) Any Commissioner may also nominate an applicant for consideration by the full Commission at the noticed meeting no later than five (5) days prior to the noticed meeting. Notice shall be given to the Executive Officer.
 - g) At a noticed meeting, with the opportunity to continue, the full Commission will consider all nominated applicants, and at the discretion of the Chair this may include inviting presentations and/or conducting interviews.
 - h) A successful appointment shall achieve no less than four (4) affirmative votes from voting Commissioners and include therein at least one affirmative vote from each of the following four membership categories:
 - County of San Diego
 - Cities Less San Diego
 - Special Districts
 - City of San Diego
 - i) In the event no candidate receives both a majority vote and an affirmative vote from each of the four membership categories, the Commission shall conduct a run-off vote of two candidates receiving the most votes. In the event that neither candidate receives a majority vote and an affirmative vote from all four membership categories, the Chair shall either continue consideration to a future meeting or provide direction to restart the recruitment process in the manner prescribed under this policy.
- 4) The following procedures are specific to Commission direction to proceed with an expedited reappointment of the incumbent.
- a) The Commission will take up the expedited reappointment at the next regular meeting for which LAFCO staff can provide legally required notice.
 - b) A successful reappointment is subject to the same voting thresholds identified in the preceding subsection.

b)

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5) The following procedures are specific to Commission direction to proceed with a limited recruitment wherein the Commission draws from a pool of candidates from a prior recruitment, provided that the recruitment was completed within the past six (6) months.

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a) LAFCO staff shall conduct outreach to candidates who were not selected during the prior recruitment but remain eligible for reconsideration at the discretion of the Commission.

b) The recruitment shall follow the same procedures as outlined in Section D (Full Term Appointments), subsection 3, paragraphs d through i.

E. Mid Term Vacancy Appointments

1) If the regular public member position becomes vacant prior to the term expiration, the Executive Officer shall provide notice to the Commission on the agenda at the next regular meeting. The Commission may proceed thereafter in providing direction to LAFCO staff of its intentions to either appoint the alternate, ~~or~~ proceed with an open recruitment, or when applicable, conduct a limited recruitment wherein the Commission draws from a pool of candidates from a prior recruitment, provided it has been completed within the past six (6) months to expedite the filling of the vacancy.

a) Any direction to proceed with appointing the alternate to fill a mid-term vacancy shall be considered for action at the next regular meeting in which LAFCO staff can provide legal notice.

b) Any direction to proceed with an open recruitment to fill a mid-term vacancy shall follow the same procedures for full term appointments.

~~b)c)~~ Any direction to proceed with a limited recruitment to fill a mid-term vacancy shall follow the same procedures outlined as outlined in Section D (Full Term Appointments), subsection 3, paragraphs d through i.